

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SANDRA J. HAYWARD,

Plaintiff,

v.

Case Number 07-10622-BC
Honorable Thomas L. Ludington

KARL THUGE, *et al.*,

Defendants.

ORDER OVERRULING OBJECTION

On May 27, 2008, Defendants filed a motion for costs to recover expenses associated with a deposition untimely cancelled by Plaintiff's counsel. Dkt. # 32. Magistrate Judge Charles Binder, pursuant to a general order of reference, entertained oral argument concerning the motion of May 2, 2008. After considering the original round of pleadings, oral argument, and supplemental briefs, the magistrate judge granted Defendants' motion for costs on August 6, 2008. Dkt. # 44. Judge Binder assessed Plaintiff total costs of \$1,350.00, concluding that Plaintiff's counsel cancelled in an untimely fashion. Judge Binder also noted that Plaintiff's counsel acknowledged that another attorney could have appeared on his behalf.

On August 15, 2008, Plaintiff filed an objection to that order. This Court reviews an order by a magistrate judge on a non-dispositive matter to determine whether the decision is "clearly erroneous." *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). A decision is "clearly erroneous" if "although there is evidence to support it, the reviewing court on the entire evidence is left with a definite and firm conviction that a mistake has been committed." *United States v. United States Gypsum Company*, 333 U.S. 364, 395 (1948). Where there are two plausible views,

a decision cannot be “clearly erroneous.” *Anderson v. City of Bessmer City, NC*, 470 U.S. 564, 573 (1985). Upon review, Plaintiff has not advanced a new argument or any legal authority that persuades this Court that the magistrate judge’s conclusion was clearly erroneous. In fact, the Court agrees with Judge Binder and will overrule Plaintiff’s objection.

Accordingly, it is **ORDERED** that Plaintiff’s objection [Dkt. # 45] is overruled. The Court **ADOPTS** the magistrate judge’s August 6, 2008 order [Dkt. # 44].

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 26, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 26, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS